

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
ORDINANCE COMMITTEE
MINUTES OF PUBLIC MEETING**

DATE.....March 16, 2004
TIME.....4:30 P.M.
PLACE.....COUNTY OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT	MEMBERS ABSENT	NON-VOTING	STAFF PRESENT
KD Benson	Mark Hermodson	Michael Smith	Sallie Fahey
Steve Schreckengast	David Williams		Margy Deverall
Gary Schroeder	Dr. Carl Griffin		Kathy Lind
Robert Bowman			James Hobson, Atty

KD Benson called the meeting to order.

I. APPROVAL THE MINUTES

KD Benson mentioned that Kathy Lind's name was incorrect several times in the minutes.

Steve Schreckengast moved to approve the minutes of the February 17, 2004 meeting. Robert Bowman seconded and the motion carried by voice vote.

Steve Schreckengast moved to approve the minutes of March 3, 2004 meeting. Robert Bowman seconded and the motion carried by voice vote

II. MINOR CHANGES TO THE UZO AMENDMENT REGARDING WINERIES.

Sallie Fahey reviewed the changes made since the last meeting. She pointed out that wineries would be permitted uses in CB and CBW. She stated that another change was the wineries in A, AA and AW would be subject to the setbacks in GB zones. She explained that setbacks in the A, AA and AW zones were too close and would allow public events to be too close to residential. She said that a GB setback has a comparative setback requirement, unless it adjoins a residential yard, then it requires a much larger setback. She pointed out that a GB zone has a zero side setback and for a winery that would be ok if it was next to an industrial, business or farm field, but not next to a residence. She stated that footnotes 7 and 9 only talk about abutting a residential zone and should be amended to include "or use". She said that these footnotes apply to industrial zones, GB, HB and NB. She mentioned that NB might have to be amended to require footnote 8 instead of 7. She suggested changing the NB footnote to #8 and adding the words "or use" to footnotes 7 and 9. She informed the Committee that the footnotes she was referring to were on page 138 and 139 in the UZO. She mentioned that footnote 8 would be better for NB than footnote 7 anyway. She asked if these changes could be added to the proposed ordinance so that it could be filed by Monday for the April meeting. She asked the Committee to move and vote to send this proposed ordinance to the full Commission with the above-mentioned changes.

Steve Schreckengast moved to amend the proposed ordinance to include the above-described changes to footnotes 7 and 9 and send the amended ordinance to the full Plan Commission. Robert Bowman seconded and the motion carried by voice vote.

Rick Black, 3913 Kensington Drive, Lafayette, IN, asked for clarification that the changes that were just made affect anything in the ordinance and not just wineries.

Sallie Fahey replied affirmatively. She explained that all the changes would be included in one document.

Rick Black thanked everyone for his or her work on this ordinance.

III. MISCELLANEOUS UZO CHANGES

A. Off-site parking in Industrial districts and GB districts

Sallie Fahey stated that the above-described amendment was a good idea because it was more likely that commercial zones would be closer to residential zones than industrial zones would be.

KD Benson asked Sallie Fahey to use a specific example of this situation. She asked if the proposed change would require parking for an industrial use to be in an industrial zone.

Sallie Fahey replied affirmatively. She said that it would also require parking for a commercial use be in a commercial zone. She used the chalkboard to illustrate an example of this situation. She explained that a GB or industrial zone that is close to a residential zone could expand parking even closer to residences and they could have employees coming and going 24 hours a day, with high traffic during shift changes. She said that it made sense that if there were off-site parking; the zone should be the same.

Steve Schreckengast asked that in the example presented, industrial zones would be pushed closer to residential.

Sallie Fahey replied affirmatively but explained that would make it a legislative decision and not an automatic given.

Steve Schreckengast asked how this applied to the example of Lafayette Venetian Blind.

Sallie Fahey explained the configuration of the Lafayette Venetian Blind site and pointed out that they had enough room and the example given was a worse case scenario.

Steve Schreckengast asked if the site was zoned this way when the facility was built.

Sallie Fahey explained that at the time, Lafayette Venetian Blind only requested that part of the property be rezoned to an industrial use. She said that it was unclear as to why it was done that way. She mentioned that the first time this issue came up was in West Lafayette when a business had off-site parking in a residential zone. She said that the way that was solved was by creating the current ordinance for off-site parking. She gave an example of an industrial use in an urban setting, and how it could affect surrounding commercial and residential zones.

KD Benson asked how this affected downtown sites such as the Journal and Courier or hospitals that have traffic in and out all day and night.

Sallie Fahey explained that if the zone is CB there is no requirement for parking at all.

Robert Bowman stated that it made sense to make it all R3 and change the buffers around the residential area to more than what is currently required.

Steve Schreckengast asked if Lafayette Venetian Blind had retail sales at this site.

Sallie Fahey replied negatively. She said that their intent was to have it all on one property, rezone it all to I3 and have nothing off-site. She stated it would then be up to the jurisdiction to determine if that would be an appropriate zone for what is around it or planned to be around it.

Steve Schreckengast pointed out that if Lafayette Venetian Blind were there first, they would have first right. He asked if Sallie Fahey was suggesting a change to the proposal.

Sallie Fahey pointed out that this proposal only affected off-site parking and would have no effect on on-site parking. She explained that this would apply to putting required or additional parking on a different lot. She stated that in the Lafayette Venetian Blind example, they properties abut, but are separate tracts that have never been connected. She reviewed the current wording of the ordinance and the proposed changes as presented in the memorandum.

Steve Schreckengast asked if all businesses that do not comply with this would be grandfathered.

Sallie Fahey stated that she could not think of anywhere else that this situation has happened. She said that this is not a section of the UZO that is used a lot because most industrial sites have a huge piece of land and commercial areas tend to be in a built up area.

Robert Bowman stated that if this were such a rare case, it might be easier to fix the problem on hand and not change the ordinance.

Sallie Fahey gave the example of Wabash National purchasing commercial land to expand their parking on Earl Ave and commented that this was probably the best example of this situation.

KD Benson asked if parking was a permitted use in GB.

Sallie Fahey stated that parking as a primary use is permitted in GB. She explained that this ordinance refers to accessory parking that is not on the premise.

Michael Smith stated that would open the door to an industrial use as a building.

Sallie Fahey stated that would apply if the land were rezoned. She explained that would be one of the considerations during the rezone process

Michael Smith explained that a rezone request might get voted down because it would allow expansion of the use, but might be approved if it were only for parking.

Sallie Fahey commented that employee traffic during the night and going to their cars for lunch breaks would be as disruptive to a residential neighborhood as the plant itself. She pointed out that the effect of not rezoning would be that parking would have to be handled in some other way such as expanding at a completely different and more appropriate location. She explained that currently an industrial use could expand to the full extent of it's industrial zoned land, farm out all of its parking to neighboring commercial lots which would force the virtual industrial use to within 300 feet of a residential zone and not have to obtain any permissions. She stated if a rezone were required, it would have to come before the Plan Commission and the jurisdiction.

Steve Schreckengast asked what would happen on the Wabash National site if this were changed.

Sallie Fahey stated that if the proposal were approved, it would be non-conforming and they could continue to park there, but if they wanted to buy more of the neighboring lots, then it would apply.

Steve Schreckengast commented that he was concerned that industries or businesses would move out of county or out of state because of all the requirements.

Sallie Fahey stated that the tendency seems to be industrial zones redeveloped into commercial uses.

Brian Keene, 2453 Musket Way, West Lafayette, IN, stated that he was not overly concerned with this ordinance, but it seemed to be just one extra law to put into place. He pointed out that this would be very hard to enforce because there would be no way to prove who was parking where.

Sallie Fahey pointed out that the offices of the industry are part of the industrial use.

Brian Keene stated that he would argue that point because it is hard to tell what their use is.

Sallie Fahey stated that all industries have offices, whether they have moved their offices or not, they are still part of the industrial use.

Brian Keene asked for clarification that this applied only to commercial and industrial uses. He asked how that would apply if there were an R3 use that needed more parking and a neighboring R1.

Sallie Fahey stated that was permitted and would not be changed. She said that in terms of enforcement, this was one small step in obtaining approval for off-site parking. She explained that it would still have to be approved by the Administrative Officer. She reviewed all the steps necessary and mentioned that there is much more to the approval process.

Steve Schreckengast asked whether this was looking for a problem or trying to fix a large problem.

Sallie Fahey stated that they were trying to make the words say what the intent was all along.

KD Benson stated that parking is low impact use. She said that residential would be a concern.

Sallie Fahey stated that residential was currently correctly worded in the ordinance.

KD Benson stated that there was not a problem with commercial parking in industrial zones, just industrial parking in commercial zones.

Sallie Fahey replied affirmatively, because of the potential for the late night shift changes.

Michael Smith asked how the hospital was handled.

Sallie Fahey stated that they rezoned it to MR.

Michael Smith asked if the residents were considered during that process.

Sallie Fahey replied affirmatively. She said that the berms were all taken into account.

KD Benson stated that might be a solution.

Steve Schreckengast stated that this would apply primarily to existing industrial uses. He said that he would like to allow the maximum flexibility to the existing businesses, especially if they have been there a long time. He said that he was inclined to leave it alone, but could be flexible.

Sallie Fahey stated that this was not intended to be a big deal. She said that the staff noticed an inconsistency and wanted to correct it.

Robert Bowman stated that he did not see the point in changing it. He mentioned that he saw a potential problem with the parking lot lighting.

Sallie Fahey stated that was good point. She pointed out that employee parking would have the lights on all night for safety issues. She reviewed the buffer requirements for GB, I2 and I3 zones

Kathy Lind informed the Committee that the Wabash National parking lot was gravel and if it is zoned GB, must be paved and lined.

KD Benson mentioned that the Arnett Sports Complex was also gravel and needed to be paved. She said that hearing no motion the topic was tabled.

B. Selling one family vehicle per year

Sallie Fahey informed the Committee that Jay Seeger had requested that this topic be continued to the next meeting since he was unable to attend.

Gary Schroeder moved to continue the above-described topic to the April 7, 2004 Ordinance Committee meeting. Steve Schreckengast seconded and the motion carried by voice vote.

C. Removing registered professional engineers from flood plain section

Sallie Fahey stated that this concern came from Tim Beyer and has been reviewed with Steve Murray. She informed the Committee that professional engineers were not permitted to do meets and bounds legal descriptions. She suggested removing the words "or professional engineer" from this section.

Tim Beyer, Vester and Associates, 309 Columbia Street, Suite 101, Lafayette, IN, stated that he was both a registered land surveyor and professional engineer. He said that he just happened to notice and mentioned it to staff.

Steve Schreckengast moved to amend the proposed ordinance to include the above-described change and send the amended ordinance to the full Plan Commission. Robert Bowman seconded and the motion carried by voice vote.

IV. CITIZEN COMMENTS

Brian Keene asked to revisit some of the issues on the list of Ordinance Committee priorities. He said that he would like to start reviewing some of the issues from the Efficiency meetings. He mentioned that the problem that he had last month in Dayton could have been resolved if there were some other zone options.

Steve Schreckengast asked if the most current update of that list was September.

Sallie Fahey replied affirmatively. She stated that there might be a few more topics to add to that list. She agreed with Brian Keene that those topics should be addressed. She said that she would also like to add to the high priorities section the completion of the RE issues. She suggested beginning the discussion on R1 A, B and C zones so that she and staff could refresh themselves on RE and then go back and finishing those revisions.

Steve Schreckengast asked what issues still needed to be resolved on the RE topic.

Sallie Fahey stated that Jay Seeger was working on the language for easements and the entire topic needed to be put into ordinance format.

Steve Schreckengast asked if it was feasible to begin another topic and then come back to the RE portion. He asked if there was a lot of RE's being filed that needed this right away.

Sallie Fahey stated that the RE ordinance is in effect and they have been able to work with the petitioners if the issue comes up. She mentioned that Margy Deverall has been leading the research for the R1 B discussion.

Margy Deverall stated that she has had several discussions at the Administrative Officers' meetings, regarding the R1C and planned development topics, in order to gather information on where everyone stands.

KD Benson mentioned that there would be a lot of public interest in this topic.

Brian Keene stated that there might not need to be an R1C zone if the appropriate changes could be made to R1A, B and C. He suggested different lot sizes for the R1 A, B and C zones. He suggested that the widths not even be included.

Sallie Fahey stated that minimum widths should still be included.

Brian Keene stated that there was no reason to have minimum widths.

Sallie Fahey stated that there are all kinds of proposals that are surprising.

KD Benson pointed out that the same thing was said about RE zone and the first case they had was something that the Committee never thought of.

Sallie Fahey stated that the staff would never agree that eliminating the minimum width was a good idea. She said that the staff would be happy to review and possibly change the minimum width. She stated that the minimum width might be a good circumstance for an R1C.

Sallie Fahey stated that she would not know until tomorrow if they would be giving up an Ordinance Committee meeting for the Purdue presentation.

KD Benson asked if Margy Deverall would be prepared to begin the R1C discussion and if she would present it as a comparison.

Margy Deverall replied affirmatively. She stated that the discussion sheet is formatted to show the comparison between what exists, the issues from the developers on what the concerns are and suggested solutions.

Sallie Fahey said that if the Purdue presentation were not on April 7, then they would schedule the discussion on R1C for that meeting and if the Purdue presentation was on April 7, then the R1C discussion would be on April 20.

KD Benson stated that both she and David Williams would be out of town on April 20.

Steve Schreckengast stated that he would prefer to discuss the subdivisions. He said that he might not be available on April 7. He asked if the procedure for the R1C was to have one more input meeting and then draft an ordinance.

KD Benson stated that at the Efficiency meetings the developers expressed a concern and it was put on the list of topics. She said that there was not a lot of testimony taken on the subject yet.

Steve Schreckengast mentioned a few of the developers that would want to have input on this topic and the issues in the marketplace.

Sallie Fahey stated that she thought the procedure would be for Margy Deverall to present the comparison sheet and then to spend a lot of the meeting hearing from the development community. She said that at that point maybe there could be a draft that could be tweaked and discussed at future meetings.

Ron Highland mentioned that there is one subdivision that already has a 1' - 9' setback. He informed the Committee that he has received his first major complaint from a homeowner who does not understand where his property line is. He stated that he has always been an advocate of keeping the side setback standard at 6'. He said that he was referring to the setback only, not the width or length of the lot. He stated that when they are different, especially within the same subdivision, problems arise with enforcement. He mentioned that education of homeowners was not being accomplished.

Steve Schreckengast asked Brian Keene how he felt about a standard side setback of 6'.

Brian Keene stated that he still preferred the 0 lot line. He said that the problems arise when it is not the same on both sides.

Sallie Fahey stated that she also liked the option of a 0 lot line, if it really is 0.

Steve Schreckengast asked if there was a 0 lot line if there was an easement for maintenance.

Sallie Fahey replied affirmatively. She explained that it gives a usable side yard for the homeowners who have a narrow lot. She stated that she never liked the concept of 1' and 9' setbacks.

Steve Schreckengast asked which development had the 1' and 9' setback.

Sallie Fahey replied that it was Benjamin Crossing. She stated that on April 7 they would either have the Purdue presentation or the discussion the R1C. She said that if the Purdue presentation were on April 7 then the first R1C discussion would be on April 20.

KD Benson asked if the minutes of this meeting were verbatim, like all the others.

Sallie Fahey stated that they were not exactly verbatim, but to the same level of detail as APC or BZA minutes.

KD Benson stated that there is a tendency to make a lot of side comments that are not necessary for the minutes.

Sallie Fahey stated that side comments are not usually included.

Steve Schreckengast asked about the status of attendance for the April 21, APC meeting because KD Benson and David Williams would be out of town.

Sallie Fahey stated that there were only 2 members that would be out of town.

Steve Schreckengast mentioned that there would be other members that would be abstaining from some of the votes. He asked if it was difficult to change the date of an APC meeting.

Sallie Fahey stated that it was extremely difficult to change the date. She suggested that when the hospital files its rezone, the staff could inform them that there would be members missing at the April meeting and leave the choice up to them. She informed the Committee that there was an interesting case in unincorporated Buck Creek where there are 2 pieces of property that have never been zoned. She stated that the staff would be filing this case for the April APC meeting. She said that the staff has reviewed all of the historical maps and it has been this way since 1965.

Gary Schroeder asked how the agenda for the Ordinance Committee is set.

Sallie Fahey stated that there is no formal procedure, staff just does it. She said that if a Committee member had a topic to be put on the agenda, they should just let staff know.

Kathy Lind stated that the issue of sirens would be on the next agenda for the Administration's Officer's meeting as per KD Benson's request.

KD Benson explained that the issue of sirens was to require the developers to participate in the cost.

Sallie Fahey stated that one of the questions involved in this topic was whether or not there was a master plan as to where all the sirens in the County should be located.

KD Benson stated that there was a map showing that the different schools were covered, but the whole County was not completely mapped.

V. ADJOURNMENT

Steve Schreckengast moved to adjourn the meeting. Gary Schroeder seconded the motion.

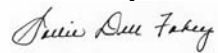
KD Benson adjourned the meeting.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



Sallie Dell Fahey
Executive Director